

UTAH STATE COURTS EQUAL EMPLOYMENT OPPORTUNITY PLAN FISCAL YEAR 2004

INTRODUCTION

The Utah State Courts has developed an Equal Employment Opportunity (EEO) Plan, which is updated annually, to assure full utilization of all human resources and to maximize fair and effective staffing practices. The Equal Employment Opportunity Plan provides the Utah State Courts with the mechanism to critically examine its human resource practices to assure that policies and procedures provide fair and equitable treatment in all aspects of the employment process. The EEO Plan provides for the following:

- a statistical profile of the internal workforce including statistical disparities
- identification of problems in employment policies, procedures, and practices
- specification of corrective action
- dissemination of information, posters, notices, etc. relative to EEO
- prevention and resolution of discrimination and discrimination complaints

As a recipient of federal grants totaling \$25,000 or more, the Utah State Courts are required to have an Equal Employment Opportunity Plan. The plan complies with the provisions established in 28 CFR Ch.1, (7/1/91 edition) Subpart E, "Equal Opportunity Program Guidelines."

EEO PROGRAM OFFICIALS

Daniel J. Becker, State Court Administrator, has overall responsibility for the EEO Plan. In accordance with the Utah State Courts Human Resources Policies and Procedures, employees alleging discrimination may file through the grievance process outlined in the Grievance and Appeal policy, 620.01, or may submit a claim directly to management, the Director of Human Resources or the State Court Administrator.

Mr. Becker has designated Robert A. Parkes, Director of Human Resources, as the Utah State Courts EEO Officer. As the designee, Mr. Parkes has responsibility for the following:

- Investigating and responding to complaints of discrimination and unfair treatment;
- 2. Developing policy statements for review and approval of the State Court Administrator;
- 3. Preparing written programs designed to institute and maintain equal employment opportunity within the Utah State Courts;

- 4. Disseminating EEO policy information both internally and externally;
- 5. Overseeing the collection and analysis of employment data to identify problem areas;
- 6. Delegating EEO responsibilities to Human Resources staff members and other appropriate personnel.

Mr. Blake Swain and Ms. Margo Bird, Sr. Human Resources Representatives, have been designated as Assistant EEO Officers and will assist Mr. Parkes in the performance of many of the above duties.

ORGANIZATION

The State of Utah is comprised of eight judicial districts while the court system itself is divided into four levels: two trial court levels and two appeals court levels. The activities of the Utah State Court System are directed by the Utah Judicial Council of which the State Court Administrator is the secretariat. The State Court Administrator, assisted by court administrators and executives, Human Resources, Media Relations, Planning, Research, Finance, Information Technology, Information Services, Judicial Education, and General Counsel, is responsible for administration, development, and coordination of non-judicial activities in the state court system.

DISSEMINATION OF THE POLICY

The Utah State Courts Equal Employment Opportunity policies are disseminated both internally and externally.

These policies and the EEO Plan shall be made available to the public and to Utah State Courts applicants and employees upon request. Employees shall be notified that the EEO Plan is available for their perusal via the State Courts Website. All recruitment announcements shall identify the Courts as an Equal Opportunity Employer. Written notification of the Courts' EEO program shall be sent to all recruiting resources as well as colleges and universities. EEO policies are included in the Courts' Human Resources Policies and Procedures Manual and, therefore, available to all State Court employees.

UTAH STATE COURTS EQUAL EMPLOYMENT OPPORTUNITY PROGRAM POLICY STATEMENT

In accordance with 28CFR Ch. 1, Subpart E, and all relevant federal laws, rules and regulations, and in adherence with the Governor's Executive Order, the Utah State Courts hereby affirms its intent to ensure fair and equitable employment practices.

It is the policy of the Utah State Courts to ensure that all applicants for employment as well as all employees will be treated impartially without regard to race, color, religion, sex, age, disability, national origin, political affiliation, ancestry, or marital status.

The Utah State Courts hereby establishes an Equal Employment Opportunity Program within the Court system. At a minimum, it is the goal of the Courts to select qualified applicants from all minority, female, and other protected groups and to achieve and maintain a work force diversity in all applicable job classifications that reasonably approximates the relevant Utah civilian labor force figures published by the Department of Economic Security.

Specifically, the Utah State Courts promotes and assures equality of opportunity for all applicants and employees with respect to all employment policies, practices, and procedures including but not limited to: recruitment, selection, promotion, transfer, training, benefits, scheduling, discipline and reduction-in-force. In addition, the Courts will adhere to the Utah Anti-Discrimination Act of 1965, as amended, to ensure that contractors, sub-contractors and vendors comply accordingly. Failure to comply with the nondiscrimination provisions of the Equal Employment Opportunity Plan will jeopardize initial, continued or renewed funding to the contractor, sub-contractor, or vendor.

Compliance with this policy is the responsibility of all employees of the Utah State Courts and, where applicable, vigorous enforcement efforts will be implemented by the State Court Administrator to ensure success of the program. If you have questions with regard to this program, please do not hesitate to bring them to our attention. Full cooperation from all departments and districts of the Utah State Courts employees with respect to the Equal Opportunity Program is expected.

Daniel J. Becker State Court Administrator January 2004

UTILIZATION ANALYSIS

The Utah State Courts utilization analysis table contains consolidated EEO information on a statewide basis. The data in this section of the analysis is grouped by EEO category and compared to the community labor force data for the State of Utah as a whole since there are court sites throughout the state.

Officials and Managers

This group contains 95 employees and encompasses job classifications such as court administrators, department managers, trial court executives, probation management staff and clerks of court. Approximately 35.8% of this group is female and 16.9% are minorities. There is no underutilization evident within this job group of either females or minorities.

Professionals

The Utah State Courts employs 268 professional employees. Included in this job group are classifications such as attorneys, law clerks, project coordinators, budget and finance officers, human resources analysts, auditors, mediators, purchasing agents, probation officers, and commissioners.

Although female representation in this group is 41.4%, community labor statistics (CLS) indicate that females are underutilized by 2.9% in the court system. Total minority representation is 14.8% and no underutilization is evident in any of the minority groups.

Technicians

This group consists of 15 computer related technicians. Females at 33.4% reflect an underutilization of 13.8% which amounts to a difference of two persons. Minority representation in this group has increased to 13.4% which compares to a CLS of 8%.

Administrative Support

The 725 job classifications included in this group are deputy probation officers, human resources assistants, chief deputy court clerks, site managers, court reporters, all deputy court clerk functions within the court system, and general clerical functions in the Administrative Office. Females comprise 87.8% compared to a CLS of 65.3%, while a minority representation of10.5% exceeds the CLS of 8.3%.

Service/Maintenance

Included in this job group are 7 maintenance workers who clean and perform maintenance duties at court facilities. Under utilization in this small group is evident in all areas other than the Asian American/Pacific Islander population. In terms of individuals this amounts to less than 1 person in each area.

PROBLEM AREAS AND CORRECTIVE ACTION PLANS

Recruitment and Selection

As indicated in the Utilization Analysis section, the primary areas of underutilization for the Utah State Courts are white females in the professional, technicians, and service/maintenance job groups and minorities in the service/maintenance job group. Among minority females a slight under utilization is present in the officials/administrators, technicians, and service/maintenance job groups.

In the past, female underutilization in the professionals job group was due primarily to the fact that females comprised only 47% of the senior level probation officers in the courts, while the senior probation officers job group itself amounted to more than half of the professionals group. Female representation in the senior probation officers group has now increased to 50% which has reduced the overall female underutilization in the professional job group 2.9%.

The Deputy Probation Officer (DPO) classification in the administrative support group is the primary feeder group for the Probation Officer classification. DPO's are responsible for overseeing groups of juvenile delinquents who are assigned to work projects. Since the DPO classification does not require a college degree we are able to hire female and minority college students into these positions who need the experience working with juveniles in order to complete their degrees. In its current composition females account for 26%, and minorities 25%, of the DPO class.

Nonetheless, in recent years, it has become increasingly more important to maintain a diverse group of deputy probation officers and probation officers because many of the youth with whom the probation staff work also come from minority groups. To accomplish this, more directed effort is being placed on the hiring of minority and female applicants by both the hiring officials and the human resources staff in order to assure that a) there are qualified minorities and females in the applicant pool and b) hiring officials take advantage of every opportunity to hire minority and female candidates.

Other classifications that have significant representation in the administrative support job group are assistant clerks of court and chief deputy court clerks. Individuals in these classifications serve as group leaders over several deputy court clerks and, as such, oversee the daily processing of court-related paperwork. These positions are almost exclusively filled by promoting deputy court clerks which results in most of them being filled by females. Currently, over 90% of these positions are filled by females and 5% are minorities. As these supervisory positions become available more minorities, who comprise 10% of the deputy court clerk class, will have the opportunity to move into supervisory positions. Thus the importance in training and preparing minority employees who are deputy court clerks for future promotion, but also to continue ensuring an adequate pool from which to draw by recruiting qualified minorities from the community to fill clerk positions as they become available.

To this end, job ads are placed in statewide minority newspapers and newsletters where possible. Additional recruiting strategies include attending job fairs and sending job postings and job ads to appropriate state agencies including Workforce Services, college and university placement centers, offices of minority affairs statewide, minority and female recruiting sources, local newspapers and, where appropriate, professional journals. These efforts appear to be generating sufficient numbers of qualified female and minority applicants in most job groups. Overall, the representation of female and minority employees in the Utah State Courts is above the statewide availability of qualified females and minorities.

Another important issue with regard to having a good pool of promotable minority employees is retention. When recruiting efforts have yielded success in hiring qualified minorities, taking steps to retain them is critical. This effort is currently underway as described below.

Human Resources and Employment Policies and Practices

The Courts reviews its human resources and employment policies and practices on a regular basis to assure that they are applied in a nondiscriminatory manner. Salary administration and compensation practices as well as benefits programs have been reviewed to assure consistency of application throughout the organization. All promotion opportunities, training programs, and social activities are available to all employees without regard for race, color, religion, national origin, sex, age, marital status, veteran status, or disability.

Because of a significantly upgraded human resources information system, the court system is now able to track personnel actions to assist in determining if Human Resources policies are having an adverse impact on any particular protected group.

Recruiting and Hiring

The Courts have taken steps to enhance current minority recruiting efforts and work with minority communities to attract a larger pool of qualified applicants. This includes the development of guidelines to assist districts in expanding current recruiting efforts into nontraditional areas and enhance upward mobility opportunities for current minority staff members.

- Districts have been utilizing current staff members, including minority staff members, to make presentations in local high schools about their roles in court operations. Districts have also worked to publicize some of the programs that are currently underway in the courts in an effort to educate the public about potential employment opportunities available in the court system.
- The utilization of alternative sources of minority employment candidates, particularly in rural areas, such as churches, ethnic community organizations and specialized service providers.
- 3. Expand collaboration with the Department of Workforce Services, school districts, the Department of Aging, etc. who have clients that might be potential volunteers or interns.

In addition the Administrative Office of the Courts conducts annual examinations of racial and ethnic diversity of the courts' workforce by judicial district to ensure progress in increasing workforce diversity.

- 4. A "Workforce Composition Report" and a "Utilization Analysis Report" are compiled and reviewed annually to determine if progress is being made in individual districts.
- 5. A "Minority Retention Report" has been developed to collect and compile termination data on minority staff members.

In the area of training, the Courts have included a cultural diversity training program that focuses on cultural competency, awareness and sensitivity as a core career track educational requirement.

Workforce Analysis Table

Job Category	Total	MALE AA/PI	AI/AN	В	н	w	FEMALE AA/PI	AI/AN	В	н	w
Officials/Administrators	95	2	0	7	3	45	1	1	1	1	34
	100.0%	2.1%	0.0%	7.4%	3.2%	47.4%	1.1%	1.1%	1.1%	1.1%	35.8%
Professionals	268	7	0	4	8	117	7	3	2	9	111
	100.0%	2.6%	0.0%	1.5%	3.0%	43.7%	2.6%	1.1%	0.7%	3.4%	41.4%
Technicians	15	0	0	1	0	9	0	0	0	1	4
	100.0%	0.0%	0.0%	6.7%	0.0%	60.0%	0.0%	0.0%	0.0%	6.7%	26.7%
Administrative Support	725	7	0	3	7	71	11	5	3	40	578
	100.0%	1.0%	0.0%	0.4%	1.0%	9.8%	1.5%	0.7%	0.4%	5.5%	79.7%
Service/Maintenance	7	1	0	0	0	4	0	0	0	0	2
	100.0%	14.3%	0.0%	0.0%	0.0%	57.1%	0.0%	0.0%	0.0%	0.0%	28.6%

Utilization Analysis Table

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Job Category		AA/PI	AI/AN	В	Н	W	AA/PI	AI/AN	В	Н	W
Officials/Administrators	Workforce	2.1%	0.0%	7.4%	3.2%	47.4%	1.1%	1.1%	1.1%	1.1%	35.8%
	CLS	0.6%	0.2%	0.3%	2.3%	60.9%	0.7%	0.2%	0.2%	1.9%	31.5%
	Utilization	1.5%	-0.2%	7.1%	0.9%	-13.5%	0.4%	0.9%	0.9%	-0.8%	4.3%
Professionals	Workforce	2.6%	0.0%	1.5%	3.0%	43.7%	2.6%	1.1%	0.7%	3.4%	41.4%
	CLS	1.3%	0.3%	0.2%	1.4%	47.9%	1.0%	0.3%	0.2%	1.8%	44.3%
	Utilization	1.3%	-0.3%	1.3%	1.6%	-4.2%	1.6%	0.8%	0.5%	1.6%	-2.9%
Technicians	Workforce	0.0%	0.0%	6.7%	0.0%	60.0%	0.0%	0.0%	0.0%	6.7%	26.7%
	CLS	1.2%	0.5%	0.6%	2.2%	47.2%	1.1%	0.5%	0.2%	1.7%	43.7%
	Utilization	-1.2%	-0.5%	6.1%	-2.2%	12.8%	-1.1%	-0.5%	-0.2%	5.0%	-17.0%
Administrative Support	Workforce	1.0%	0.0%	0.4%	1.0%	9.8%	1.5%	0.7%	0.4%	5.5%	79.7%
	CLS	0.4%	0.2%	0.3%	1.9%	29.9%	0.8%	0.6%	0.3%	3.7%	59.9%
	Utilization	0.6%	-0.2%	0.1%	-0.9%	-20.1%	0.7%	0.1%	0.1%	1.8%	19.8%
Service/Maintenance	Workforce	14.3%	0.0%	0.0%	0.0%	57.1%	0.0%	0.0%	0.0%	0.0%	28.6%
	CLS	1.1%	0.8%	0.5%	9.7%	44.2%	1.1%	0.7%	0.2%	5.7%	33.6%
	Utilization	13.2%	-0.8%	-0.5%	-9.7%	12.9%	-1.1%	-0.7%	-0.2%	-5.7%	-5.0%